

July 30 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0197

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SUSAN M. SCHAFF,

Defendant and Appellant.

FILED

JUL 30 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

Koan Mercer, counsel for Appellant, respectfully requests an extension until September 8, 2010, in which to file the opening brief in the above-entitled matter. Counsel submits the attached affidavit in support of this request.

Counsel for the State has no objection to this extension request.

Respectfully submitted this 30 day of July, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 

Koan Mercer
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office.

2. In that capacity, I supervise Koan Mercer who has been assigned to handle the above-entitled matter.

3. The opening brief in this matter was initially due July 8, 2010, and is presently due August 9, 2010.

4. Mr. Mercer will be unable to complete this brief in the previously allotted time as he has been working on briefing for *State v. Happel*, DA 09-0552, *State v. Goodenough*, DA 09-0201, *State v. Henderson*, DA 09-0624, and *State v. Petersen*, DA 09-0263.

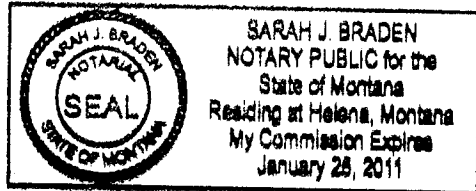
5. Mr. Mercer anticipates being able to file the opening brief in this matter within the requested September 8, 2010, extension.

6. Counsel for the State has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.

Joslyn Hunt
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 30th day of July, 2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

DENNIS PAXINOS
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

SUSAN SCHAFF 204471
Montana Womens Prison
701 South 27th Street
Billings, MT 59101

DATED: 7/30/2010

Sarah J. Braden